

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Randolph J. Noelle et al.

Application No.: 09/164,568

Confirmation No.: 6823

Filed: October 1, 1998

Art Unit: 1644

For: METHODS FOR INDUCING ANTIGEN
SPECIFIC T CELL TOLERANCE

Examiner: P. Gambel

**SUBSTITUTE “SUMMARY OF CLAIMED SUBJECT MATTER” SECTION TO
APPEAL BRIEF FILED FEBRUARY 26, 2007**

Technology Center
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 41.37(c)(1)(V) and the Notification of Non-compliant Appeal Brief mailed July 5, 2007, this paper provides a summary of the claimed subject matter mapped to the specification, and should be substituted for the content under the heading “**SUMMARY OF CLAIMED SUBJECT MATTER**” contained in the Appeal Brief dated February 26, 2007.

Serial No. 09/164,568

Substitute “Summary of claimed subject matter”

V. Summary of claimed subject matter

The currently claimed invention is a method of reducing antigen-specific T cell responsiveness *in vivo* which method comprises administering to a subject in need of such treatment (a) an antigen-presenting cell (APC) that presents an autoantigen to an activated T cell expressing mouse or human gp39 **and** (b) an anti-gp39 antibody which binds to mouse or human gp39 on the activated T cell, wherein the anti-gp39 antibody is administered prior to, concurrent with, or subsequent to administration of the APC in an amount effective to reduce T cell responsiveness to the antigen-presenting cell (claims 82-94; specification, page 3, lines 5-22, lines 29-31; page 5, line 32 - page 6, line 4; page 6, lines 10-12; page 11, lines 5-21; Example 1, page 14, lines 15-35; Example 2, page 15, lines 1-17; Example 3, page 15, line 20 - page 17, line 32; Example 4, page 17, line 34 - page 19, line 36; Example 5, page 20, line 1 - page 26, line 36).

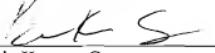
This inhibition is achieved by administering an APC with a gp39 antagonist. A gp39 antagonist is defined as a molecule which interferes with the interaction of gp39 on a T cell with a gp39 ligand on the APC (specification, page 3, lines 23-26; page 6, lines 29-33). The gp39 antagonist can be an anti-gp39 antibody (claims 82, 92-94; specification, page 3, line 26; page 6, lines 33-35; Example 6, page 27, line 1 - page 29, line 6). The anti-gp39 antibody can be an anti-human anti-gp39 antibody (claim 92; specification, page 8, line 37; Example 6, Experiments 1 and 2, page 27, line 1 - page 28, line 32), a humanized anti-human anti-gp39 antibody (claim 93; specification, page 6, line 35; page 8, lines 16-26), or a chimeric anti-human anti-gp39 antibody (claim 94; specification, page 6, line 34; page 8, lines 6-15).

An antigen presenting cells is one which can present antigen to T cells and includes B lymphocytes (including splenic activated lymphocytes, peripheral blood lymphocytes, and bone marrow lymphocytes), “professional” antigen presenting cells such as monocytes, dendritic cells, and Langerhan cells, and other cells such as keratinocytes, endothelial cells, astrocytes, fibroblasts, and oligodendrocytes (claims 83-91; specification, page 9, line 34 - page 11, line 2; Examples 1-5).

It is respectfully submitted that the Appeal Brief filed February 26, 2007 now fully meets the requirements of 37 C.F.R. § 41.37 and the application is ready to be docketed for appeal.

Dated: July 11, 2007

Respectfully submitted,

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Serial No. 09/164,568

Substitute "Summary of claimed subject matter"

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/164,568-Conf. #6823
		Filing Date	October 1, 1998
		First Named Inventor	Randolph J. Noelle
		Art Unit	1644
		Examiner Name	P. Gambel
Total Number of Pages in This Submission	3	Attorney Docket Number	20052/1200518-US5

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<input type="checkbox"/> Remarks Substitute "Summary of Claimed Subject Matter" Section to Appeal Brief Filed February 26, 2007		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DARBY & DARBY P.C.		
Signature			
Printed name	Bonnie Kramer Carney		
Date	July 11, 2007	Reg. No.	36,073

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